

**Application No. 09/831,600**

**Art Unit 1713**

**Reply to Office Action of December 20, 2004**

**REMARKS**

It is respectfully requested that the present Reply be entered into the Official File in view of the fact that the Reply automatically places the application in condition for allowance. For instance, the amendment to claim 1 merely incorporates the allowable subject matter of claim 2. The other amendments are minor in character. Thus, the present Reply is believed to be in proper form for placing the application into condition for allowance.

In the alternative, if the Examiner continues with the rejections of the present application, it is respectfully requested that the present Reply be entered for purposes of an Appeal. The Reply reduces the issues on appeal by reducing the number of claims (e.g., claims 2 and 26-28 are canceled) and/or overcoming the rejection under 35 U.S.C. § 102(b), since claim 1 incorporates the subject matter of allowable claim 2. Thus, the issues on appeal would be reduced.

In the present reply, claims 1 and 3-6 have been amended. Claims 2 and 26-28 have been canceled without prejudice or disclaimer of the subject matter contained therein. Claims 14-18 and 25 are allowed (see paragraph 6 of the outstanding Office Action). Claims 2-12 and 20-21 stand objected to, but would be allowable if properly rewritten (see paragraph 5 of the Office Action). Thus, in the present application, claims 1 and 3-25 are pending.

**Application No. 09/831,600**

**Art Unit 1713**

**Reply to Office Action of December 20, 2004**

No new matter has been added by way of these amendments, because each amendment is supported by the present specification, originally-filed claims and/or is editorial in nature. For example, the amendment to claim 1 merely incorporates the canceled subject matter of claim 2. With the cancellation of claim 2, the dependencies of claims 3-6 were appropriately changed. Since such amendments are clarifying in nature and are not in response to any outstanding objection or rejection (*i.e.*, not for patentability purposes), Applicants in no way are conceding any limitations with respect to the interpretation of this claim under the Doctrine of Equivalents.

Based upon the above considerations, entry of the present amendment is respectfully requested.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw the only rejection and allow the currently pending claims.

***Issues Under 35 U.S.C. § 102(b)***

Claims 1, 12, 13, 19 and 22-25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bernier *et al.* '571 (U.S. Patent No. 5,834,571). Applicants respectfully traverse.

Applicants respectfully refer the Examiner to the scope of claim 1 as presented herein. Because claim 2 was indicated to have

**Application No. 09/831,600**

**Art Unit 1713**

**Reply to Office Action of December 20, 2004**

allowable subject matter, Applicants submit that claim 1 and all claims dependent thereon are now in allowable form. Thus, this rejection is rendered moot, and withdrawal thereof is respectfully requested.

### **Conclusion**

A full and complete response has been made to all issues as cited in the Office Action. Applicants have taken substantial steps in efforts to advance prosecution of the present application. Thus, Applicants respectfully request that a timely Notice of Allowance issue for the present case.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

**Application No. 09/831,600**


**Art Unit 1713**

**Reply to Office Action of December 20, 2004**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Andrew D. Meikle, #32,868

<sup>et al</sup>  
ADM/ETP  
0365-0501P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000